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Appl. No. 08/974,584
Amendment under 37 CFR 1.116PATENTREMARKS

Claims 119, 129 and 130 are under examination and stand rejected under the Doctrine of Obviousness-Type Double Patenting. Claims 127 and 131 are withdrawn. Applicants respectfully request rejoinder of these claims upon determination that product claims 119, 129 and 130 are allowable.

Double patenting rejection over claims of U.S. Patent No. 6,261,836; U.S. Patent No. 6,927,285; U.S. Patent No. 6,921,664; U.S. Patent No. 6,337,200; U.S. Patent No. 6,475,789

The double patenting rejections over the claims of the above-referenced patents are overcome by the enclosed terminal disclaimers.

Provisional double patenting rejection over claims of U.S. Application No. 10/044,539.

The claims of Application No. 10/044,539 have been allowed and the Issue Fee paid. The provisional double patenting rejection over the claims of U.S. Application No. 10/044,539 is overcome by the enclosed terminal disclaimer.

Double patenting rejection over claims of U.S. Patent No. 6,444,650

Claims 119, 129 and 130 were rejected over claims 1-14 of U.S. Pat. No. 6,444,650. Applicants respectfully traverse. The claims of the instant application are directed to a recombinant or synthetic polynucleotide that, inter alia, *encodes a protein that has telomerase catalytic activity*. In contrast, the claims of the '650 patent are directed to an isolated *antisense* oligonucleotide (hybridizes to a target DNA having the nucleotide sequence of SEQ ID NO:1) that inhibits expression of an mRNA encoding TRT. The polynucleotides claimed in the '650 patent *do not* encode a protein, *do not* encode a protein with telomerase catalytic activity, and, in fact, *inhibit* expression of a protein with telomerase catalytic activity. The Office Action statement that both claim sets are inclusive of nucleic acids encoding the hTRT of SEQ ID NO:2 is not correct: As explained above, the '650 claims do not encompass a nucleic acid that encodes the hTRT of SEQ ID NO:2. Accordingly, Applicants respectfully request this rejection be withdrawn.

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Provisional double patenting rejection over claims of U.S. Application No. 09/721,477; U.S. Application No. 10/877,124; U.S. Application No. 10/044,539; U.S. Application No. 09,721,506; and U.S. Application No. 11/207,078.

The above-referenced applications are at varying stages of prosecution and it is not clear what claims will be prosecuted or allowed in these cases. Upon determination that the claims in this application are otherwise allowable, it is requested that the Office withdraw rejection and permit the instant application to issue.

CONCLUSION

Applicants respectfully request that all rejections be reconsidered and withdrawn. Applicants request that the examiner contact the undersigned if she believes any issues remain unresolved.

Respectfully submitted,



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